REMARKS

Claims 16-67 are pending in this application. Claims 16-24, 26-34 and 36-44 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,115,544 ("Mueller"). Claims 25, 35 and 45 are rejected under § 103(a) as being unpatentable over Mueller. Claims 16-24, 26-34 and 36-44 have been amended. Claims 46-67 are new. The applicant respectfully traverses the rejections and requests reconsideration in view of the amendments and following remarks.

Claims 16-25

The Examiner rejected claims 16-24 under § 102(e) as being anticipated by Mueller and rejected claim 25 under § 103(a) as being unpatentable over Mueller. Claim 16 recites a method of operation by a computer aided design (CAD) application. The method includes the steps of receiving a user input to perform an operation on a CAD design. A failure is detected during performance of the operation, and a failure indication is generated upon detecting the failure. A user is provided with information to facilitate the user in determining a location of a cause of the failure within the CAD design and information about how to recover from the failure.

Mueller is directed to a method for displaying error messages to a computer programmer to indicate errors in source code that are detected in processing the source code, such as when parsing or compiling the source code. Mueller's error message designates an error type and specifies the location of the error in the source code. The Mueller's method is implemented in programs that process source code (e.g., parsers and compilers) [Col. 1, line 65-Col. 2 line 9]. Mueller does not teach or suggest a CAD application nor a CAD design. Mueller does not disclose receiving user input to perform an operation on a CAD design, nor detecting a failure during performance of such an operation, as required by claim 16.

Further, Mueller fails to provide information to a user to facilitate the user in determining a location of a cause of the failure within the CAD design, as required by claim 16. Mueller discloses providing a location of an error in the source code of a program. However, a location within the source code (e.g., a line or lines of source code) is not the same as a location of a

cause of a failure <u>within a CAD design</u> as required by claim 16. For example, in the present application, information to facilitate the user in determining a location of a cause of the failure within the CAD design can be the highlighting of a portion of the CAD design associated with the failure [see claim 24].

Mueller also fails to provide information to a user about how to recover from the failure. The Examiner asserts that Mueller facilitates a user in determining a solution for the failure by displaying the error, which allows the user to then determine a solution. In any event, Mueller does not provide information to a user about <u>how to recover from the failure</u>. Merely providing an error message that indicates the presence of an error to a user does not provide information about how to recover from the failure; Mueller's computer programmer must recover from the failure without the benefit of information about how to recover. By contrast, information provided to a user about how to recover from a failure in one example can be the provision of a text string indicating "modeling error: shell too thick", if a construction error caused by a shell that is too thick is the cause of the failure [see Specification at p. 13, lines 3-13]. The user is thereby provided information about how to recover, *i.e.*, by making the shell thinner. Optionally, the "shell" portion of the CAD design can be highlighted to provide the user visual feedback related to the cause of the error/warning [see Specification at p. 13, lines 14-17].

Mueller fails to disclose the limitations of claim 16, and accordingly claim 16 is not anticipated by Mueller and is in condition for allowance. Claims 17-25 depend from claim 16, and are therefore allowable for at least the same reasons.

<u>Claims 26-35</u>

The Examiner rejected claims 26-34 under § 102(e) as being anticipated by Mueller and rejected claim 35 under § 103(a) as being unpatentable over Mueller. Claim 26 recites an apparatus including a storage medium having stored therein a plurality of programming instructions. When executed, the instructions cause the apparatus to: receive a user input to perform an operation on a CAD design; detect a failure during performance of the operation; generate a failure indication upon detecting the failure; and provide a user with information to

facilitate the user in determining a location of a cause of the failure within the CAD design and about how to recover from the failure.

For at least the reasons stated above in reference to claim 16, Mueller fails to disclose an apparatus having stored therein a plurality of programming instructions to cause an apparatus to perform the steps required by claim 26. In particular, Mueller fails to receive a user input to perform an operation on a CAD design and detect a failure during performance of the operation. Further, Mueller does not provide a user with information to facilitate the user in determining a location of a cause of the failure within the CAD design and about how to recover from the failure. Accordingly claim 26 is not anticipated by Mueller and is in condition for allowance. Claims 27-35 depend from claim 26 and are therefore allowable for at least the same reasons.

Claims 36-45

The Examiner rejected claims 36-44 under § 102(e) as being anticipated by Mueller and rejected claim 45 under § 103(a) as being unpatentable over Mueller. Claim 36 recites an article of manufacture having stored therein a plurality of programming instructions. When executed, the instructions cause a machine to: receive a user input to perform an operation on a CAD design; detect a failure during performance of the operation; generate a failure indication upon detecting the failure; and provide a user with information to facilitate the user in determining a location of a cause of the failure within the CAD design and about how to recover from the failure.

For at least the reasons stated above in reference to claim 16, Mueller fails to disclose an article of manufacture having stored therein a plurality of programming instructions to cause a machine to perform the steps required by claim 36. In particular, Mueller fails to receive a user input to perform an operation on a CAD design and detect a failure during performance of the operation. Further, Mueller does not provide a user with information to facilitate the user in determining a location of a cause of the failure within the CAD design and about how to recover from the failure. Accordingly claim 36 is not anticipated by Mueller and is in condition for allowance. Claims 37-45 depend from claim 36 and are therefore allowable for at least the same reasons.

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<u>New Claims 46-67</u>

Claims 46-67 are new. No new matter is added. With respect to claims 46-50, 52-56 and

58-62, the claims reflect a different scope of coverage than may be afforded to claims 1-15 in the

issued parent patent, U.S. Serial No. 6,363,503, in view of a recent Federal Circuit decision,

SuperGuide Corp. v. DirectTv Enters., Inc., 358 F.3d 870; 69 U.S.P.Q.2D (BNA) 1865.

Brenda Leeds Binder has been given limited recognition under 37 CFR § 10.9(b) as an

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which expires July 16, 2004, is attached hereto.

	Total Claims	Previously Paid		Fees Due	
Total Claims:	52	30	=	22	$396
Independent	8	3	=	5	$430
TOTAL extra claims fees:					<u>$826</u>

Applicant hereby petitions under 37 C.F.R. §1.136 for a one month extension of time. $110

Total fees due $936

Please apply charges to deposit account 06-1050.

Respectfully submitted,

Date: _____6-1-04_____   _____[signature]_____

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